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Serial No. 09/769,938

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**OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Barros et al.

EXAMINER: Nguyen, T.

SERIAL NO.: 09/769,938

GROUP: 2172

FILED: January 26, 2001

CASE NO.: PT03398U

ENTITLED: COMMUNICATION DEVICE, SYSTEM, METHOD, AND COMPUTER  
PROGRAM PRODUCT FOR SORTING DATA BASED ON PROXIMITY

Motorola, Inc.  
Intellectual Property Department  
600 North U.S. Highway 45  
Libertyville, IL 60048

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

In response to the Office Action dated May 23, 2003, reconsideration in view of the above amendments and the following remarks is respectfully requested.

**REMARKS**

Claims 1-24 are pending in this application.

The Office Action rejects, under 35 U.S.C. § 103, claims 1-8 and 19-24 over DeLorme et al. (U.S. Patent No. 6,321,158) and claims 9-18 over Stulp et al. (U.S. Patent No. 6,159,465) and Wakabayashi et al. (U.S. Patent No. 5,794,222). These rejections are respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the